

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, and Schram present and Commissioner Vap excused. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. Chairman Johnson announced that the agency's temporary entrance will be located across the hall until further notice.

GENERAL ADMINISTRATION

Notice was duly published August 28, 2007 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 5, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, September 5, 2007:

NG-0044 Commission Hearing Room, Lincoln. Planning Conference.
1:30 In the Matter of Aquila Inc., d/b/a Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a change of control of Aquila's Nebraska jurisdictional assets. Commissioner Landis presiding as Hearing Officer.

Monday, September 10, 2007:

NG-0044 Commission Hearing Room, Lincoln.
1:00 In the Matter of Aquila Inc., d/b/a Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a change of control of Aquila's Nebraska jurisdictional assets. Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission that 83 complaints were received in August 2007. She reported that 61 were wireline and 22 were wireless. The complaints were categorized as follows: 38 billing, 21 service and 24 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-397 In the Matter of Equity One, Inc., Marlton, New Jersey, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

AD-398r In the Matter of Advanis, Alberta, Canada, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-3829 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its revised statement of generally available terms (SGAT) pursuant to section 252(f) of the 1996 telecommunications act, previously granted in Docket C-3313: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the letter to Qwest. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-3847 In the Matter of the Petition of Nebraska Technology & Telecommunications, Inc., Omaha, seeking arbitration of an interconnection agreement with Windstream Nebraska, Inc., Lincoln, pursuant to Section 252 of the Telecommunications Act of 1996. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer Order was entered August 28, 2007 assigning an Arbitrator and scheduling a conference before the Arbitrator for September 6, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

WC Docket In the Matter of IP-Enabled Services: Gene Hand discussed
04-36 this docket regarding regulatory treatment of Voice Over Internet Protocol (VOIP) services. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to send an ex parte letter to the Federal Communications Commission (FCC). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE and Commissioner Jerry Vap excused not voting.

Gene Hand informed the Commission that the next Nebraska Telecommunications Relay Service Advisory Committee meeting was scheduled for October 19, 2007, at 1:00 p.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that prehearing conferences for Dockets E-2137, E-2156 and E-2157 were scheduled for September 11 at 2:00 p.m. in the Commission Hearing Room, Lincoln. A call in telephone bridge is available at 1-877-229-1563, Access Code #09110754.

- E-2137 In the Matter of the Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Dakota County.
- E-2156 In the Matter of Twin Valleys Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Furnas County.
- E-2157 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Scottsbluff County.

Gene Hand discussed the status of the draft Annual Report to the Legislature and asked for any edits from the Commissioners by September 11, 2007.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.01 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. Level 3 Communications, LLC; Vartec Telecom, Inc.; NebCon Partnership; Budget Phone, Inc.; CAT Communications International; Granite Telecommunications, LLC; Comtel Telecom Assets, LP, Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order scheduling a hearing for October 17, 2007 at 10:00 a.m., Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Commissioner Schram was appointed as Hearing Officer.

911-023.01 In the Matter of Sarpy County, Public Service Answering Point, Papillion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: A hearing was scheduled for a date later to be determined. Commissioner Landis was appointed as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.01 In the Matter of Sarpy County, Public Service Answering Point, Papillion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting funding request, in part and denying funding request, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson and Frank Landis voting AYE, Commissioner Tim Schram present not voting, and Commissioner Jerry Vap excused not voting.

911-023.36 In the Matter of the City of Lincoln/Lancaster County, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving funding request for Phase II LEC costs. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioner Jerry Vap excused not voting.

911-029.03 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. Viaero Wireless, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-029.04 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. Verizon Wireless, Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-030.01 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. United Cellular Operating Company of Greater Iowa, Inc., d/b/a US Cellular, Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Jeff Pursley discussed violations of Commission Rules and Regulations regarding testing: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to file a complaint against Sprint Spectrum, d/b/a Sprint PCS, for violation of Commission Rules and Regulations regarding Wireless E911 testing. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-1, In the Matter of the Commission, on its own motion, seeking
PO #5 to establish guidelines for administration of the Nebraska
Universal Service Fund (NUSF): Jeff Pursley discussed the
agreed upon procedures language of the Nebraska payment audits and the
variation of language submitted by three companies. Motion made by
Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to
accept the deviation in the agreed upon procedures language for the
Nebraska NUSF Payment audits. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and
Commissioner Jerry Vap excused not voting.

#WC 04-36 In the Matter of IP-Enabled Services: Gene Hand discussed
this docket regarding regulatory treatment of Voice Over
Internet Protocol (VOIP) services under the Communications Department
agenda.

NATURAL GAS DEPARTMENT

NG-0044 In the Matter of the Joint Application of Aquila Inc. D/B/A
Aquila Networks, Kansas City, Missouri; Black Hills Corpor-
ation, and Black Hills/Nebraska Gas Utility Company, LLC, both of
Rapid City, South Dakota, seeking approval of the proposed transfer of
Aquila's Certificate of Convenience and for a Change of Control of
Aquila's Nebraska jurisdictional assets. Commissioner Landis pre-
siding as Hearing Officer: Motion made by Commissioner Frank Landis,
seconded by Commissioner Tim Schram, to enter an order granting the
informal intervention of Cornerstone Energy. Motion passed with Com-
missioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting
AYE, and Commissioner Jerry Vap excused not voting. Angela Melton
informed the Commission that the Hearing Officer entered an order on
August 29, 2007, moving the previously scheduled hearing from Septem-
ber 12, 2007, to September 10, 2007, at 1:00 p.m. in the Commission
Hearing Room, Lincoln.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
(Aquila), Omaha, seeking individual general rate increases
for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Frank
Landis presiding as Hearing Officer: Angela Melton provided the
status of the appeal on this docket and the motion for stay.

TRANSPORTATION DEPARTMENT

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 76 cents per mile.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich reported on the outcome of the modular housing workshop held on August 30, 2007, that was attended by five manufacturers. Primarily discussed was the Commission's recent change to the label fee which is now based upon a home's square footage. The manufacturers in attendance recommended that the new fee calculation should be implemented through minor statutory language revisions. Additionally, discussion was held on the label's location and that the label fee should include the home's garage and porch areas. The Commission staff will soon recommend revisions to the statute as necessary.

GRAIN WAREHOUSE DEPARTMENT

GW-1871 In the Matter of Hergert Grain, Inc., Scottsbluff: John Fecht informed the Commission that the June, 2007 stipulation had been satisfied and is now completed. This matter has come to a conclusion and the license was cancelled August 31, 2007 as agreed.

Grain Dealer Division

GD-2922 In the Matter of Farmers Co-operative Association of Ravenna, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2008: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

DAS - Central Finance - Material	2,640.98
Liberty Consulting Group	1,421.78
Tim Sandusky	1,228.63
Anne Boyle	662.51
Frank Landis	493.08
Tim Schram	465.60

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Teresa Schoeneman	1,000.00
Associated Ear, Nose & Throat	809.10
B Hear, Inc.	2,213.95
Larry Kent & Associates	2,330.40
Grand Island Hearing Aid	2,170.12
Hamilton Telecommunications	439.85
Hearing Aid Center of Columbus	428.95
Janet L. Killam	910.85
League of Human Dignity	358.95
Thomas J. Tambling	160.00
Midwest Hearing Consultants	935.80
Teltex	1,496.46
Weitbrecht Communications	1,476.90
Western ENT Associates, PC	15,061.23

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to authorize Commissioner Rod Johnson and Jeff Pursley to travel to and attend the South Dakota Public Utilities Commission's "Connecting South Dakota: Wireless Technology" conference to be held in Sioux Falls, South Dakota from September 17 through 19, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to authorize Jeff Pursley to make offers to fill Nebraska Telephone Assistance Program positions in the Nebraska Telecommunications Infrastructure and Public Safety Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

The Commission discussed applications received for the position of Executive Director.

The meeting adjourned at 10:45 a.m. with Commissioners Boyle, Johnson, Landis and Schram present and Commissioner Vap excused. The next regularly scheduled meeting will be held on September 11, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 10, 2007.

Chairman

Deputy Director